

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL MITCHELL,

Plaintiff,

-against-

9:04-CV-366
(LEK/DRH)

GLENN S. GOORD, JR., Commissioner,
New York State Correctional Service; *et al.*

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 20, 2006, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 49).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 49) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' motion for summary judgment (Dkt. No. 45) is **GRANTED** as to all moving Defendants for the first and second causes of action, and judgment is entered for those Defendants on the first two causes of action; and it is further

ORDERED, that Defendants' motion (Dkt. No. 45) is **GRANTED** as to all moving Defendants as to the third cause of action, whereby that third cause of action is **DISMISSED WITHOUT PREJUDICE** as to the moving Defendants; and it is further

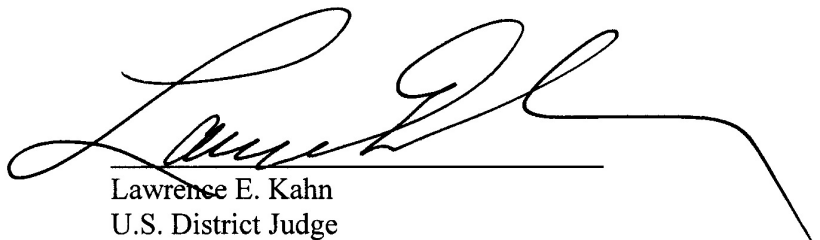
ORDERED, that the Complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE** as to Defendants John Doe #1 and Corrigan; and it is further

ORDERED, that this action is **TERMINATED** in its entirety as to all Defendants and all claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: January_22, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge